

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

JESSICA HODGES, et al.)
Plaintiffs,) Case Number: 4:22-cv-00067-WTM-CLR
vs.)
CHATHAM COUNTY, GEORGIA, et al.)
Defendants.)

EXHIBIT 9

From: [David Utter](#)
To: [anpretorius@chathamcounty.org](#)
Cc: [Will Claiborne](#); [Christopher Murell](#)
Subject: Jessica Hodges (Creely) FRCP Rule 37 confer
Date: Wednesday, December 7, 2022 12:57:00 PM
Attachments: [image001.jpg](#)

Andre,

I write to confirm our meeting today to discuss our discovery disputes. We discussed and agreed to the following:

1. Plaintiffs' 1st RPD #21: I noted that our request includes any documents related and produced by Community Oriented Correctional Health Services (COCHS) and Drs. Ray and Shansky ("Dr. Ray"), including the county's contracts with them. You objected based on attorney-work product, arguing that the contracts for COCHS and Dr. Ray are with the county attorney's office and that your client entered into them to help the county avoid litigation.
2. I added the contract and work performed by Dr. Ray to Plaintiff's request for a 30(b)(6), which now requests that you designate a witness and provide the contracts and budgets for the following:
 - A. Budget preparation, including funding and staffing levels, for the provision of health care for detainees at the Chatham County Detention Center ("CCDC") for the years 2016-2020;
 - B. Contract negotiations and budget preparation, including staffing levels, for the contracts with CorrectHealth Chatham and/or CorrectHealth for the provision of health care for detainees at CCDC for 2016-2020;
 - C. Contract negotiations and budget preparation, including staffing levels, for the contract(s) with Community Oriented Correctional Health Services;
 - D. The decision to terminate the contract with Corizon;
 - E. The county's oversight and monitoring methods, including staffing of its oversight and monitoring methods, of its contracts with Corizon and CorrectHealth and/or CorrectHealth, Chatham to ensure compliance with contract requirements and adherence to the requests for proposals that led to the contracts; and
 - F. Contract negotiations and budget preparations, including staffing levels, for the contract(s) with Dr. Kenneth Ray.

You objected to C and F based on attorney-work product, arguing that the contracts for COCHS and Dr. Ray are with the county attorney's office and that your client entered into them to help the county avoid litigation.

We agreed that 1) the county would produce a privilege log and 2) Plaintiffs will file a motion to compel.

3. You noted the county's objections to Plaintiffs deposing Dr. Ray about he and Dr. Shansky's work, based on attorney-work product, arguing that the work they are on behalf of the county attorney's office and that your client entered into them to help the county avoid litigation. **We agreed that the county will file a motion to quash the subpoena.**

Let me know if I missed anything and thanks again for meeting.

David

David J. Utter, Esq.
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david@claibornefirm.com

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From: David Utter

Sent: Friday, November 18, 2022 12:51 PM

To: Donna Myers <DKMyers@chathamcounty.org>; Andre Pretorius <anpretorius@chathamcounty.org>

Cc: Kristin M. Douglas <kmdouglas@bouhan.com>; Gary McGinty <gmcginty@bouhan.com>; Lighthiser, Mary Ellen <mlighthiser@SWFLLP.com>; CARLTON E. JOYCE <CEJOYCE@bouhan.com>; 'Ben Perkins' <bperkins@olivermaner.com>; Jaylen Katzman <jkatzman@bouhan.com>; Will Claiborne <will@claibornefirm.com>; 'Christopher Murell' <chris@murell.law>; 'Deb Grondziak' <dgrondziak@olivermaner.com>; 'Will Phillips' <wphillips@olivermaner.com>; Sherri Oliver <soliver@chathamcounty.org>; Flint, Michael <mflint@SWFLLP.com>; Clark, Jimasha <jclark@SWFLLP.com>; Kim Griffin <Kim@claibornefirm.com>

Subject: RE: Jessica Hodges (Creely)

Sorry for the delay Donna. Plaintiff is available on the following dates in December:

Dec 1, 2, 5 (afternoon only), 6-7, 12-13, 14 (afternoon only), 15-16

In addition, please check in on the availability for the following county/sheriff staff and an expected length:

Sheriff Wilcher—no longer than 1 hour
Dep. Gardner—2 hours
Dep. Coleman—2 hours
Dep. Gibson—2 hours
Dep. Brown—2 hours
Dep. Reid—2 hours

Finally, please let us know when the county can sit for a 30(b)(6) deposition. The topic areas are:

1. Budget preparation, including funding and staffing levels, for the provision of health care for detainees at the Chatham County Detention Center (“CCDC”) for the years 2016-2020;
2. Contract negotiations and budget preparation, including staffing levels, for the contracts with CorrectHealth Chatham and/or CorrectHealth for the provision of health care for detainees at CCDC for 2016-2020;
3. Contract negotiations and budget preparation, including staffing levels, for the contract(s) with Community Oriented Correctional Health Services;
4. The decision to terminate the contract with Corizon; and,
5. The county’s oversight and monitoring methods, including staffing of its oversight and monitoring methods, of its contracts with Corizon and CorrectHealth and/or CorrectHealth, Chatham to ensure compliance with contract requirements and adherence to the requests for proposals that led to the contracts.

David

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From: Donna Myers <DKMyers@chathamcounty.org>

Sent: Wednesday, November 9, 2022 9:42 AM

To: David Utter <david@claibornefirm.com>; Andre Pretorius <anpretorius@chathamcounty.org>

Cc: Kristin M. Douglas <kmdouglas@bouhan.com>; Gary McGinty <gmcginty@bouhan.com>;

Lighthiser, Mary Ellen <mlichthiser@SWFLLP.com>; CARLTON E. JOYCE <CEJOYCE@bouhan.com>;

'Ben Perkins' <bperkins@olivermaner.com>; Jaylen Katzman <jkatzman@bouhan.com>; Will

Claiborne <will@claibornefirm.com>; 'Christopher Murell' <chris@murell.law>; 'Deb Grondziak'

<dgrondziak@olivermaner.com>; 'Will Phillips' <wphillips@olivermaner.com>; Sherri Oliver

<soliver@chathamcounty.org>; Flint, Michael <mf Flint@SWFLLP.com>; Clark, Jimasha

<jclark@SWFLLP.com>; Kim Griffin <kim@claibornefirm.com>

Subject: RE: Jessica Hodges (Creely)

None of those dates work for us. The month of November is pretty booked. Can you provide me with some dates in December?

Donna K. Myers, CP
Certified Paralegal
Chatham County Attorney's Office
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Savannah, GA 31401
Telephone: (912) 652-7881
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From: David Utter <david@claibornefirm.com>

Sent: Friday, November 04, 2022 3:15 PM

To: Andre Pretorius <anpretorius@chathamcounty.org>; Jonathan Hart <RJHart@chathamcounty.org>

Cc: Kristin M. Douglas <kmdouglas@bouhan.com>; Gary McGinty <gmcginty@bouhan.com>; Lighthiser, Mary Ellen <mlighthiser@SWFLLP.com>; CARLTON E. JOYCE <CEJOYCE@bouhan.com>; 'Ben Perkins' <bperkins@olivermaner.com>; Jaylen Katzman <jkatzman@bouhan.com>; Will Claiborne <will@claibornefirm.com>; 'Christopher Murell' <chris@murell.law>; 'Deb Grondziak' <dgrondziak@olivermaner.com>; 'Will Phillips' <wphillips@olivermaner.com>; Sherri Oliver <sloiver@chathamcounty.org>; Flint, Michael <mflint@SWFLLP.com>; Clark, Jimasha <jclark@SWFLLP.com>; Kim Griffin <kim@claibornefirm.com>; Donna Myers <DKMyers@chathamcounty.org>

Subject: Jessica Hodges (Creely)

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Dear Andre and Jon,

Can you please give us some dates to depose Lt. Tanya Jacques? Plaintiffs are available on Nov. 10 from 1-5 pm, and all day on 11/11, 11/14, and 11/18.

Thank you,

David

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